

Remarks

The application includes 1-21. By amendment subsequent to a Restriction Requirement, claims 1-18 and 20-21 were canceled and claims 22-35 were added. Claims 19 and 22-35 are pending.

Claim Rejections Under 35 USC §112, second paragraph

Claims 22 and 29 were rejected as being indefinite. Claim 22 has been canceled and claim 29 has been amended to correct the typographic error by changing “claim 289” to “claim 28”. Thus, it is respectfully requested that the rejections under §112, second paragraph be withdrawn.

Claim Rejections Under 35 USC §§102(b) and 103

Claims 19 and 22-35 were rejected as being anticipated by and as being unpatentable over Khan *et al.* (WO 00/78699; Reference N cited on the Examiner’s PTO-892).

Prior to any discussion concerning the claim rejections, Applicants wish to address the issue of whether Khan *et al.* is properly cited as relevant prior art in the present application. A side by side comparison of the two applications reveals:

	USSN 09/866,451 Khan <i>et al.</i>	WO 00/78699 Khan <i>et al.</i>
Assignees at filing	E.I. DuPont de Nemours and Co. University of Wales, Bangor	E.I. DuPont de Nemours and Co. University of Wales, Bangor
Earliest Priority Date	11/25/1998	06/18/1999
PCT Filed	11/25/1999 (PCT/GB99/03913)	06/19/2000 (PCT/GB00/02220)
PCT Published	06/02/2000	12/28/2000
U.S. National Phase Entry	05/25/2001	12/18/2001

As the charted information clearly shows, the present invention not only has an earlier effective United States filing date (May 25, 2001 vs. December 18, 2001), it also has an earlier priority date (November 25, 1998 vs. June 18, 1999), and was published under the PCT six months prior to Khan *et al.* (June 2, 2000 vs. December 28, 2000).

As the cited reference does not qualify as prior art under the statute, the rejections are moot and Applicants respectfully request that they be withdrawn.

There being no further outstanding issues, the application, including claims 19 and 22-35, is believed in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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